THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 18056 OF 2007

Dated 17th September, 2007

Between:

S.Kameswara Rao

…Petitioner

And

The Government of Andhra Pradesh,
represented by its Secretary, Law Department,
Secretariat Buildings, Hyderabad and
another.

…Respondents.

ORAL ORDER:

In this case, the petitioner has questioned the validity of the order passed by the Secretary, Andhra Pradesh Advocates Clerks Welfare Fund in proceedings R.O.C.No. APACWF/50/1997, dated 224.1997 removing the petitioner from the membership of the A.P. Advocates' Clerks' Welfare Fund.

The impugned order is passed by the Committee constituted under the provisions of the A.P. Advocates' Clerks' Welfare Fund Act (for short "the Act") on the ground that the petitioner and some others are also functioning as Job Typists. The said orders were passed in exercise of powers under Section 15(10) of the Act.

It is submitted by the learned counsel for the petitioner as well as the learned counsel appearing for the second respondent that similar such orders of removal on the very same ground were challenged before this court and this court in Writ Petition No. 12543 of 1998 dated 7.6.2005 and others set aside the orders of removal and such orders are confirmed by a Division Bench of this court in Writ Appeal No.1328 of 2005 by judgment dated 2.9.2005.

In view of the said judgment and the submission of the learned counsel for the petitioner that though the petitioner has questioned the validity of Section 15(10) of the Act, he is withdrawing the challenge to the said section, the writ petition is allowed and the order impugned herein is set aside. Consequently, the respondents are directed to treat the petitioner as member of the A.P. Advocates' Clerks' Welfare Fund and extend all benefits. No costs.

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17-9-2007

R.SUBHASH REDDY, J.

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